



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/790,027

Confirmation No.

9737

Applicant

John A. GIORDANO et al.

Filed

2 March 2004

TC/Art Unit

1614

Examiner

Unassigned

Docket No.

48508-00014

Customer No.

23767

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56(b)

Commissioner for Patents Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 C.F.R. §1.56. Copies of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.98.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against claims of the present application.

Any document listed on the attached PTO/SB/08A was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the Examiner.

The listed documents are being submitted in compliance with 37 C.F.R. § 1.97(e) within three (3) months of the mailing date of the International Search Report. Accordingly, no fee is required in connection with this filing. Nonetheless, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this paper to undersigned's Deposit Account No. 50-1067.

Respectfully submitted,

11 August 2004

Don J. Pelto Reg. No. 33,754

Preston Gates Ellis & Rouvelas Meeds LLP 1735 New York Avenue NW, Suite 500 Washington, DC 20006 Tel. 202.628.1700

Fax. 202.331.1024

PTO/SB/08A (10-01)

Approved for use through 10/31/2002.OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE k Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known		
Jub	Salute for form 1440701 10			Application Number	10/790,027	
INFORMATION DISCLOSURE				Filing Date	2 March 2004	
S	TATEMENT	BY A	APPLICANT	First Named Inventor	John A. GIORDANO	
				Art Unit	1614	
(use as many sheets as necessary)				Examiner Name	Unassigned	
Sheet	1	of	1	Attorney Docket Number	48508-00014	

	U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
	C1	4,619,829	10/28/1986	MOTSCHAN			
	C2	6,451,341 B1	09/17/2002	SLAGA et al.			
	СЗ	6,352,713 B1	03/05/2002	KIRSCHNER et al.			
	 						
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		FOREI	GN PATENT (OCUMENTS		
Examiner	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	-6
Initials*		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²		
	C4	LADIPO 72 AM. J. CLIN. NUTR. 280S-290S (2000)			

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